

Order of keeping a  
Court Leet, and Court Baron,  
with the charges appertey-  
ning to the same.

*Francis Hatgrane.*

Truely and plainly de-  
livered in the English tongue, for  
the profite of all men, and most commo-  
dious for young students of the  
lawes, and all other within the ju-  
risdiction of those Courts with  
divers new additions ther-  
unto added.

*Quicquid agas prudenter agas, & respice finem.*



LONDON

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*Cum Privilegio Regie Maiestatis.*



**MVSEVM**

**BRITANNICVM**



# THE ORDER of Court Leete and

Court Baron.

**I**f first, there shal be a precept made by the Steward vnto the Bayliffe, to warne the Court by a reasonable time : that is to say, sixe or moze dayes before the Court bee kept, in such forme as followeth : but it is the better, if warning be sirterne dayes before, as it is in the Common Banke.

## The Precept.

Black-  
sorde.

**A**. B. generos. Senescal Manerij prædicti Baluoeiusdem Salutem. Tibi precipio pariter & mando, quod diligenter præmonere facias omnes tenentes infra manerium prædictum, tam residentes quam non residentes, atque omnes tenentes Customarios Manerij prædicti. quod sint coram me in hac parte sufficienter deputato apud Blackeford prædictam, die Iouis viceffimo sexto die Martij proximè futuro

A 2

post



## Court Leete,

post datum huius ad faciendam seclā suam, tam  
ad visum Franc. Pleg. quam ad Curia Baron  
omnia alia quæ eis incumbunt, & pertinebunt  
& hæc nullatenus omittas, et habeas ibi hoc præ  
ceptum, Datum sub sigillo meo, decimo die huius  
mensis Martij, Anno Regni Iacobi Dei gratia  
Anglia, Francia, & Hibernia Regis, fidei de  
fensor, &c. primo, & Scotia tricesimo sexto.

After that the Steward is set in the Court  
he must first enter in writing the title of the  
Court in the beginning of the Court Rolle  
with the name of the place in such former  
followeth.

### *The entrie of the Court Leete, and Court Baron,*

Blackford.

**V**isus Franc. pleg' cum Curia C.L. gene  
rosi Dñi eiusdem ibidē tenē die Iouis  
videlicet viceesimo sexto die Martij, Anno  
Regni Domini nostri Iacobi Dei gratia  
Angliæ, Franc. & Hiberniæ Regis fidei de  
fensoris, &c. primo, & Scotiæ tricesimo  
sexto, tenē per A.B. Senescallum ibidem.

When that is done, the Steward shall  
cause the Baylife which serueth the Court  
it be in a Leete, to make Proclamations, that  
is to say, three Dyes: and if it be in a Court  
Baron, then but one, and after shall say as  
followeth



followeth.

All maner of persons which had warning to appeare here this day, to serue the Kinges Maiestie for his Leete, and the Lorde of the Mannour, for his Court now holden, drawe nere and giue your attendance, and euery one answere to his name as he shalbe called, vpon paine and perill that may fall thereof.

And after all be called, and those that are absent be marked to be amerced, then the Steward shall cause againe (if it be in a Leete) to be made other three Oyes. Then after the three proclamations made, the Steward shall cause the Baylife to say.

If any will bee Essoind, come in and you shall be heard.

And in a Court Baron, if any will bee essoind or enter any plaint, come in and you shall be heard, and then the Steward shall say, Essoynes and proffers of suite and plea, three times, and in the end Essoines for this day.

Then if there be any person that hath any lawfull impediment that he cannot be here as he is bound, let one aske an Essoine for him (the Court sitting) to saue his default.

And then the Steward shall enter the Essoine in the Court Rolle in this maner.

## Court Lectre,

### The maner of entring the Essoines.

**A**. B. per C. D. essoniatu de cōi, & sic  
alijs. Looke also if there be any Tenants  
in the Manor, that hath any action, or cause  
of action, sithence the last Court day, let him  
put in his plaint the Court sitting, and it shall  
be entered.

Looke also if there bee any preceptes, or  
attachments or distresses hanging in the Court  
Roles, enquire of them openly in the Court  
and know if the Baylie haue serued them.

Also if there be any old plaintes hanging  
the Courte Role before this Courte holde  
cause the parties to bee called, & before the  
quest be charged, know if the plaint shall pass  
by the homage.

That done, the enquest shall be empannelled.  
Then bid the Foreman lay his hand upon the  
booke, and swear him in forme following.

### The oath of the Foreman.

Cause the Baylie to holde the booke vnder  
the partie or parties sworne, but the  
Steward shall giue the oath.

**D**u shall diligently enquire, and true presentment make of all such thinges as you shall be charged with, concerning as wel the Kinges Maiesties Leete, as the Lordes Court of the Manour: You shall well and truly keepe \* the Kinges counsell, your fel-

\* If the Court Baron be kept by it self, there shall be omitted in this oth these wordes, the Kings counsell, for that is not the Kings Court, but the Leete is.

lowes and your owne: you shall not conceale nor hide any thing for fauour, feare, promise, or affection you beare to any person or persons, or present any thing for hatred or malice you beare to any man: but you shall present and tell the trueth, the whole trueth, and nothing but the trueth, so helpe you God, and by the contents of this booke. And this being done, cause him to kisse the booke.

After the Foreman is sworne by himselfe, cause thre or foure of the enquest to lay their right hands together on the booke, and giue them their oath as followeth.

The oath of the rest of the Iurie

**A**ll such oath as A. B. hath made before you on his behalfe, you and euerie of you shall well & truly keepe on your behalfe: so helpe you God & by the contents of this booke.

And then cause every one that is sworne, to kisse the booke.

And so in like manner sweare the rest.



## Court Leete,

After they be swozne, cause the Baylife to number them that be swozne, as the Steward doth reade them.

The Proclamation after the Oath taken.

**T**hen make Proclamation and say thus. All you that be here swozne, draw neere and heare your charge, and all the rest keepe silence, vpon paine and perill that shall come thereof. Before the charge, gather the common fine, which the Tenants doe pay euery Leet, according to the custome of the Manor.

The exhortation to be given vnto the Iurie before the charge, to consider their Oath,

**M**asters, the charge which you haue promised by your oathes to obserue, toucheth and concerneth diuers good lawes and statutes made for the whole Comon-weale of this realme, and also for the priuate wealth of euery of you, which matters the Lord of this Franches considering, and wishing your wealth and quietnes, willing also good orders to be obserued and kept among you, and that right and equite might be ministred to euery

of

of you, hath caused therfore the Kings Ma-  
iesties Leete and his Court to be summoned  
and kept here as this day: I wil therfore by  
your fauour, befoze I enter into the matters  
of your charge, declare vnto you by what au-  
thoritie you are brought hither, and wherein  
you are bound to serue.

One cause is, for that the Kings Maiestie,  
and his noble Progenitors haue giuen and  
graunted vnto the Lorde of this Mannor, a  
strength and power to keepe a Leete or Law-  
day at two times in the yere, at which Leet or  
Lawday, all the Mesborowes, Tithingmen  
and Desiners, and all other persons which be  
resident or dwelling within this Leete, being  
of the age of twelue yeres or aboue, are bound  
by the law of this Realme to appeare: for that  
there they may heare the Lawes and Sta-  
tutes opened and declared, that thereby they  
may knowe and auoide the dangers of the  
same, and further to enquire of the breakers  
of the same: and present them, that such of-  
fenders might be punished.

The other cause or authoritie is, for that  
you bee the Lordes Tenants, and are bound  
by reason of your Tenure to appeare at the  
Lord his Court Baron, when it shall happen  
to bee kept according to the Lawe, that is to  
say, at euery three weekes ende, and beeing  
here

## Court Leete,

here by these two authorities, you are bound to serue in all such thinges as you are ioyndly and lawfully charged withal, as well concerning the Kings Maiesties Leet, as the Lordes Court Baron.

And thus you haue heard in brieft, the causes whereby you are bound to come to this Leete and Court Baron.

Also to the intent that this your Oth which you haue taken, may be the better knowne, I thinke it good by your patience somewhat to say concerning the same.

First in swearing, 3. thinges chiefly ought to be considered: The first is that you swear truely, that is, you must seclude all fauour and affection to the parties, not fearing the rich, nor pitying the poore, not considering the simplenes of any person, nor the smalnes of the offence, but hauing the trueth onely before your eyes, for loue thereof say and speake that which you know to be true, & no further.

The second is, you must swear in righteousness, that is, for the very zeale & desire you haue in the declaring of the trueth, for the executing of Justice, for the obseruing of covenants, honest promises, Statutes, lawes, and good customes: and hauing a respect in doing and performing these thinges, you doe that which is to the glorie of God, the honoz of the King,



King, the preservation of the people and  
Common-weale: and this maner of swearing  
is commanded of almightie God \* Deutero- \* Cap. 6.  
nomie, saying: Thou shalt feare the Lorde  
thy God and serue him, and shalt sweare by  
his Name. That is, we must serue God one-  
ly, feare him, and confesse his holy Name,  
which is done by swearing lawfully. Swea-  
ring also in many other places of Scripture  
is commaunded, but the same conditionally,  
which is, we must sweare in truth, in iudge-  
ment, and in righteousnes, &c.

Thirdly, in swearing and taking an oath,  
you must do it with iudgement, not rashly nor  
vnadvisedly, but soberly, considering what an  
Oath is: and to put you in minde thereof, I  
will in fewe wordes declare what an Oth is.  
An Oth is the calling or taking to wienes of  
God his name, to confirme the trueth of that  
we say. And S. Paul sayth, \* An oth for con- \* Hebrues 6.  
firmation, is among men an end of all strife. vers. 16. 17.  
For in doubtfull and obscure matters, where  
the knowledge of men faileth, wee flee vnto  
God, that hee which is the onely trueth, may  
giue testimony vnto the trueth, and hee which  
bleth God for a witnesse, doth also call for re-  
uenge of Periurie at his handes, if he deceiue  
and speake not the trueth: also in laying your  
hands vpon the booke, you do sweare, truly to  
enquire

enquire and make a true presentment of those things wherewith you be charged, and not let from saying the trueth, & doing truly, for fauour, feare, loue or malice of any person: you must consider that in the same booke is contained God his euerlasting trueth and most holy worde, whereby wee haue remission and forgiveness of our sinnes and euerlasting life. Also in the Gospel booke is contained God his plagues and threats to obstinate sinners, perjured men, false witness-bearers, condemners of innocent and guiltlesse persons, so that if you willingly forswear your selues, you utterly forsake God, his mercie and trueth, the merites of our Saviour Christ, his nature, life, passion, death, resurrection and ascension, the ioyes of heauen and euerlasting life, betaking your selues to the diuell the author of all lies, perjurie and deceit: and by forswearing, and forsaking the truth, you do forsake Christ, the light and truth it selfe. And although that perjurie doe escape sometime unpunished & unpunished, & be kept secret betwene some of you and others, yet your heartes will iudge & repute one another false, and be suspicious of each others doings: but God being faithfull he wil not denie himselfe, & therefore he wil not suffer y<sup>e</sup> propheanation of his name to be unpunished: also at the last day, when the secrets

secrets of all mens hearts shalbe opened, then  
 he trueth and your owne consciences shal ac-  
 cuse you, and Christ the righteous iudge shall  
 iustly condemne you to euermlasting death and  
 damnation. For this sinne of periuurie God  
 by his \* Prophet hath threatned to punish. \*Malac. 3.  
 Therefore let vs pray vnto God that wee  
 may vse such othes as bee godly and lawfull,  
 that is, that we sweare not rashly, in trifles, or  
 in matters of no weight, but when it is need-  
 full and necessarie onely: also that we do con-  
 sider the end, that our oathes may serue to the  
 honour of God, and to the hauing out and  
 testifying of a trueth. And thus hauing put  
 you in minde of your dueties and Oathes, the  
 which I trust you will diligently weigh and  
 consider in performing and doing the same, to  
 the comfort of your consciences: I will pro-  
 ceede no further therein, but declare vnto you  
 the Articles of your charge.

### The charge of Court Leete,

**Y**ou must vnderstand, that high Treas-  
 ons, petie Treasons, and Felonies,  
 which are against the Crowne and dignitie,  
 are to be enquired of and presented in Court  
 Leete, but not punishable there.

2 The which offences ought to bee see  
 downe



## Court Lecte,

downe in writing, and indented, the one part to remaine with the Steward, the other with the Jurie, and the same must bee deliuered to the Iustices of the Assises at the next Gaol deliuerie holden within the Countie. See Stamford in his plees of the Crowne, l. 2. c. 24. fol. 85. 86. & 87. And M. Lambert in his Iultice of peace, l. 4. c. 5. pa. 48.

3 First you shall enquire of high Treasons, as if there be any among you which do compasse, imagine, or entend the death of our Soueraigne Lord the King: and do utter the same by words or writing, or by any other open acte: or if any goe about to make warre against him: or if any bee adherent to any of his enemies.

4 If any counterfeiteth, clippeth, fleteth, washeth, or otherwise falsifyeth the money of this Realme, or the Coyne of any other Realme, which is enabled to be currant within this Realme.

5 Or if any counterfeiteth any of the Maiesties Seales, as the great Seale or Stampe: these are high Treasons.

6 Also counterfeiting of the kings seale is to take Ware printed with the Kings Seale, and to fasten it to a writing not made by the King. These are to bee enquired of here as Felonies, and to be certified as aforesaid.

said, Rastal. Treason 26. 5. Eliz. cap. 11. pur  
clipping, washing, &c.

7 Also if any kil his Master or his Mistres: Pettie treason.  
or if a Priest, or other religious man kill his  
Ordinary, this is petie Treason, and to be en-  
quired here as Felonie. 25. E. 3. cap. 2. Rastal.  
Treason. 1.

8 Also if any woman kill her husband, it is A woman to  
petie Treason, and it is to be enquired of as kill her hus-  
Felonie, 19. H. 6. fol. 47. band is petie  
treason.

9 Also cutting out of a mans tongue, and Felonies.  
putting out his eyes of malice, is felonie, and  
to be enquired of here.

10 Also Murder is when any of malice pre- Murder.  
medsed or foze thought doth kill another felo-  
niously, and it is to be enquired here as bloud-  
shed.

11 Also manslaughter as a trespassse is here Manslaughter.  
to be enquired, that is to say, when the place  
is not appointed to fight, but suddenly they  
fight together, and the one killeth the other as  
they meet by chance, also it is to be enquired  
here for bloodshed.

12 Also if one kill another in defending In defending  
himselfe, he shall loose his goods. himselfe and

13 The same lawe is where one killeth an- killing by mis-  
other by misfortune, &c. Stamford 15. a. fortune.

14 Also you shal enquire of Rape, which is, Rape.  
a man ravish any woman against her will,  
be

## Court Leete,

be the wife, widow, or maid, though she after ward consent vnto it, it is Fellonie. You shal enquire also of their aiders: for they shall be iudged Raulshers, as well as hee that did the deed, 22.E.4.fol.22.

### Burglarie

14 Burglars are those which in the time of peace, or in the night time with a felonious intent to robbe or kill, doe breake any houses Churches, walles, or gates, and enter into them: this is Burglarie, and here to bee enquired of. Stamf.fol.30.B.

### Robberie

15 Robberie is when a man taketh any thing from any other person feloniously, though it were but the value of a pennie: this is Fellonie, and to be enquired of.

### Burning of a house or barne

16 Also the burning of a house feloniously is Fellonie.

17 Also burning of Barnes adioyning a house in the night is to bee enquired of, H.7.1.

### Robbing of Churches.

18 Also robbing of Churches or Chappels & taking of any Ornaments out of the same feloniously, is Fellony, and to be enquired of.

### Rescue

19 If any rescue any which is taken for felony, this is felony, & here to bee enquired of.

### Taking of Doves.

20 Also taking of Doves in a Dovehouse in the night time with a felonious intent is Fellony, and here to be enquired of.

### Yong Pigeons

21 Also taking of yong Pigeons, or yong Goshawks



Goshawkes in their nests, is felonie, and here  
to be enquired of.

and young  
Goshawkes.

22 Also taking of Fish feloniously out of  
ponds, stews or trunks, is here to be enqui-  
red of. But if the same be taken out of a Ri-  
uer, there it is no felonie.

Taking of  
fish.

23 Also the taking of tame Deere with a  
felonious entent, is felonie.

Taking of  
Tame Deere,

24 The same Law is for taking of Sig-  
nets, Swannes marked, Peacockes, and the  
same to be enquired of.

Signets,  
Swannes,  
Peacockes.

25 Also if any receiue a felon, knowing of  
the felonie which he hath done, this is felonie,  
and here to be enquired of.

Receiuers.

26 And note that all other felonies which  
the Felons by the Common law, are here to  
be enquired of.

27 Accessories are enquirable, and that is  
one procure or commaund another to doe a  
felonie, but is not present when hee doeth it:  
his procurer or commander is accessarie.

Accessaries.

28 Also accessarie after Felonie is done, is  
where one receiueth a felon, knowing of the  
felonie.

Accessarie af-  
ter felonie  
done.

29 Escape voluntarie is when one arrest-  
eth an other for felony, and after suffereth him  
to goe whither he will, this is Felony, and al-  
so to be enquired of.

Escape volun-  
tarie.

30 Escape negligent is when one is arrested

Escape negli-  
gent.

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for felonie, and after escapeth against his will that arrested him, and if he be not freshly pursued and taken, before they that doe pursue lose the sight of him, he that should haue kept him, or his Baylour, shall lose a grieuous fine and hereof enquire.

**Pety Larceny.** 31 Pettie Larcenie is taking of any thing with a felonious intent, vnder the value of xii. d. as Hennes, Geese, Pigges, or small things out of windowes, and those things are to be enquired of.

**Escheate.** 32 You shall vnderstand that the Lord to whom the land is holden, shall haue the land by Escheate, where their tenants bee attainted of pettie Treason, or Felonie, and the King shall haue the landes a yeere, and a day, and the waste of it, per Magn. Chart. cap. 22.

33 And therefore you must enquire what landes and tenements those persons so offending haue, and what goods for the king, except the Lord haue felons goods by the kings graunt. 9. H. fol. 23.

34 Also you shall vnderstand that those matters in the charge aforesaid, are to be enquired of and presented as aforesaid, but not punishable here, but there are to be certified by the Steward in sessions as aforesaid. The rest of the matters of the charge which

ensue, are inquirable and presentable, and be also punishable here in Leete, but not certified as the other were.

1 Those things which here vnder follow, are to be presented in Leete, and also to be punished there.

2 **F**irst you shall inquire if all your Constables, Headboroughes, Desliners, and Hedboroughes, all other suitors which owe any suit hither, be here or not, and present all their names that make default.

3 Also if any haue dwelt within the Lordship the space of a yeere and a day, and be of the age of xij. yeares, the age of xii. yeares, and not swozne to the King to be true and faithfull, this is inquirable.

4 Also you shall inquire if any of the Lordes Villaines, villaines be fugitiues, and remaine elsewhere out of the Lordship, and be not in the ancient demesne of the King a yeere and a day, present the same.

5 Also you shall inquire if any Customes or seruices, due to this Court be holden backe, how, by whom, and in what Baylies time the same was, and present the same.

6 Also you shall inquire if any Purprestures be made vpon the land, wood, or water, with blockes,



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blockes, stakes, ditch, hedge, or by, or with any other thing done to the noyance of the people, that is to say, to the multitude, and not onely to one.

7 Also if any walles, houses, pales, or hedges be made or erected to the noyance of the people, this is to be presented.

Highwayes,  
waters,  
ditches, or  
pathes.

8 Also if any common high wayes, waters, ditches, or pathes be turned out of their courses, it is to be inquired of.

Encroachment.

9 Also you shall inquire if any Encroachment be made on the Ducenes high wayes, or any of the Lords soile Common, or one neighbour vpon an other, and present it.

Lastals.  
Carrion.

10 Also if any Lastals be made, or any Carrion be cast in high waies to the noyance of the people, this is inquirable.

Make frayes.

11 Also if any commonly breake the peace, as making of frayes in disturbance of the people, this is inquirable.

Common  
Barretors.

12 Also if there be any common Barretors in the Lordship, as scolders and brawlers to the noyance and disturbance of their neighbours, present their names.

Breakers of  
pound.

13 Also if any breake the common Pound, to take a distresse out of the same, present their names.

Outcries a-  
gainst the law.

14 Also if any Outcries be made against the Lawes in disturbance of the people, it

is to be inquired of.

15 Also if any Rescous be made within the Seignorie vpon the Sherife or his Bailifes, or vpon any of the Kinges officers, in disturbing of them to take any person to be arrested it is to be inquired of. Rescous made against the Shirife, or his officers.

16 Also you shall inquire if any Euisdroppers pers which stand vnder walles or windowes, by night or day, to heare tales, and to carrie them to others, to make strife and debate betweene their neighbours, present their names. Euisdroppers.

17 Also if there be any common breakers of hedges, present their names. Breakers of hedges.

18 Also if any keepe and maintaine any Bawdrie in their houses, it is cause of breaking the peace, and it is a vice that corrupteth the common weale, and for that cause it is here to be inquired of. Keeping of Bawdrie.

19 Also if there be any Vagabonds, or those which walke by night, and sleepe in the day. Vagabonds.

20 Also if there be any that be common hunters of Tauernes or Alehouses, hauing not sufficient to liue vpon, they are to be inquired of.

21 Also if any go in message for Theeues, it is to be inquired of. To go on message for theeues.

22 Also you shall inquire if any person haue watered any Hemp or flaxe in any ryuer, running the waters. For corrupting the waters.

## Court Leete,

For corrup-  
ting the wa-  
ters,

ning water, streame, or brooke, or in any com-  
mon ponde where beastes do vse to drinke, they  
shall forfeit for euery time so doing xx. s. the  
one part to the partie griued, or any other  
which will sue for the same in the Leete, by  
action of debt, bill, plaint, information, or  
otherwise, and present the offenders.

This offence is not inquirable in the  
Leete, but may be punished there, vpon  
the action or information of any against  
the offenders, for which see the statute  
33. H. 8. ca. 17. But vpon a presentment  
of a Iurie in the Leete of such an offence  
the penalte cannot be leued, but the  
offendor may be amerced there for the  
noyance, and the amercement estreated  
and so leued.

False waights.

23 Also if any haue, and vse any Measures  
of bushels, gallons, pabd, or ell, or false Ballan-  
ces, or pounds, they are to be inquired of.

Double  
waights.

24 Also if any vse double poundes, or mea-  
sures: that is to say, one little or small weight  
to sell by, and a greater to buy with, in decey-  
uing the people, the same is to be inquired of.

Affise of bread  
and Ale.

25 Also you shall inquire of the affise of  
Bread and Ale, that the same be kept: that is  
to say, that euery one sell according vnto the  
rate & price of grayne, and that the same be  
made holdsome for man, and herof inquire.

26 Also



26 Also if Tiplers sell by cuppes or dishes, Tiplers.  
or measures vnsealed and not sealed, it is en-  
quirable.

27 Also if butchers, fishmongers, or other  
victuallers sell any corrupt victuall, not holsome  
for mans bodie, it is enquirable. Also Butchers & all  
other victual-  
lers doe sell  
holsome meat  
at a reasonable  
price.  
Also that all other that sell victuall, if they sell the  
same at a reasonable price, and not to bee ex-  
cessiue, hauing regard to the prices how vic-  
tualls be sold in places nere there abouts, and  
he that is conuicted, shall pay double that hee  
hath receiued to the partie damnified, and the  
same is to be enquired of.

28 Also that Hostlers doe not sell Hay, nor  
Oates but at reasonable prices, and that  
they doe not take for the bushell, but a halfe-  
penie ouer the common price in the Market,  
and that they take nothing for litter, and this  
is enquirable. Hostler for  
selling his hay  
and Oates.

29 An Inkeeper may bake his breade for  
horses in his house in any thoroughfare towne,  
which is no Citie where common Bakers  
well, and if hee bake and not make the same  
according to the prices of graine, it is to bee  
punished in Leete. Inkeeper may  
bake his bread

30 Also if any Inkeeper or other person,  
harbour any suspected persons, perceiving  
them to be of euil behauiour, it is to be enqui-  
red of. Harbours  
any suspected  
person.

31 Also



Millers.

31 Also if Millers take any exccellour toll  
is to be enquired of: and he ought to take  
toll but the twencie or 24. graine accordi  
vnto the custome, and accordiing vnto the  
strength of the water.

32 Also if the Miller within this Lord  
change the graine which he hath ground, it  
enquirable.

## Artificers.

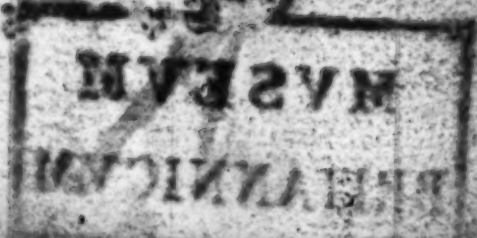
33 Also it is to be enquired if all the Officers doe make good worke as they ought, and if any make deceit in the same, in deceiving of the people, you ought to present their names.

## Misdemeanor of Officers.

34 Also if any Constable, Ale-taster, Be-  
life, or any other Officers within this Lo-  
ship, haue well and cruelly done their office  
or no, it is to be enquired of.

Purueiou.

35 Also no Purueyoz shall make any  
 neyance for the Kinges house, of any thing  
 to the value of forty shillings or vnder, except  
 hee make ready payment to the partie  
 paine of losing his Office, and to pay the  
 value to the partie grieved: and if hee doe  
 contrarie, if the Steward or Tythingmen  
 upon complaint to them make no resistance  
 the Purueiour, they shall forfeit to the party  
 grieved, the value of the thing taken, and  
 double dammages, and this is the misdeemeanor  
 of these Officers, and of those misdeemeanors



and of all others, such Officers are enquirable.

36 Also the constable ought to see the peace and watch to be obserued as it ought. Peace and watch.

37 If any treasure be found, that is to say, put in the earth, and no man knoweth who hid the same, this is the Kinges, except the Lord haue the same by speciall wordes, or by prescription. Treasure found.

38 If any estreats be, they are enquirable, and that is, if any horse, pigges, hogges, cat-tell, or Swannes, which haue come into this Lordship, and haue bin there a yere and a day, and not claimed, then the Lord may haue the proprietie of the same by prescription, but the same ought first to be impounded in an open pound, proclaimed in three markets next adjoining, and if none claime them, then they shall be sealed, and ought to bee put into some seuerall land, and not in any covert or wood, where the owner cannot find them, for if they bee in covert the proprietie is not changed, though they be there a yere and a day. Estraites.

39 Also you shall enquire whether anye Cheefe vpon hue and cry, or otherwise doth waife his goodes, that is to say, doth leaue or forsake his goodes, or any parcell of the, which he hath stolne, by reason whereof the King is seized thereof, or the Lord by the graunt of the King. Waife.



## Court Leete,

King: such goods are called waifes, and therefore present the same: Also if any officer lease vpon any cheeues goods, though there be no pursuit made in these cases, the King or the Lord by grant or prescription shall haue these goods, &c.

He that flyeth.

40 If anie flie, that is to say, if any be found by Indictment guiltie of murder before the Coroner, or if he be indicted of Felonie, and acquitted and found that he flieth, then he shall forfeit his goods to the King, and the Lord may haue them by Charter, and not by prescription, and this is enquirable.

Horse or Mare scabbed.

41 If any horse or mare be put vpon a wall ground, and be scabbed, or hauing an infectious disease, hee shall forfeit to the Lord of the Leete ten shillings, and this is enquirable.

Exigent.

42 If any exigent be awarded against one indicted of Felonie, by the keeping of his goods, they are forfeit, though after he be acquitted of felonie, and the king shall haue his goods, and the Lord by Charter, & not by prescription without Charter, & this is enquirable.

Outlawed.

43 If any be outlawed in debt, trespass, or other personall action, his goods be forfeited, and the king shall haue them & not the Lord, except it be by Charter, and not by prescription, and this is enquirable.

Common fine.

44 Also you shal enquire if the common fine

ue been here to be paid according to the  
stome, and whether the same be gathered  
according vnto the vsage: This is commonly  
gathered by the Hedborough.

45 Note, that euery one that hath view of  
the pledges, ought to haue Dillozie & Tum-  
ell to do iustice: Also in euery towne where  
there is a Leete, there shall be stockes, and for Stockes.  
fault thereof the Towne shall forfeit fine  
pounds, and the same is inquirable.

46 Also you shall inquire whether any haue Apparell.  
ed in any of their garments, Veluet, Sat-  
in, Damaske, Tassata, Sarcenet, Chamlet,  
any Furre, as Foynes, Venets, Martines,  
quirrell, Fore, Gray, Conie, Hare, or other  
fures growing within this land, or gold, or  
uer, in or vpon any of their garments, other-  
se then the Statutes made in the 24. yeare  
1. 8. and 1. and 2. of Phil. and Mary doe  
low, you shall present the offenders.

47 Also you shall inquire whether any Ba. Victualers.  
er, Brewer, Butcher, Cooke, Tipler, &c. do  
ake excessive gaine or no: Also whether they  
conspire, couenant, promise, or make any oath  
not to sell victuall but at a certaine price, and  
present the same.

48 Also you shall inquire if any Artificers, Artificers.  
orkmen, or labourers, haue conspired, pro-  
mised, or made any oathes, that they will not  
make

## Court Leete.

make, or doe their workes but at certayne peres, or not to finish that which an other hath begun, or will doe but certayne work in a day present them, for they shall forfeit certayne penalties, 24. H. 8. cap. 12.

Archers.

49 Also you shall inquire if any man be the Queenes subiect, not lame or maymed, not hauing any lawfull impediment, be within the age of threescore peres, except forrituall men, and Iustices, doe vse and exercise shooting in long Bowes, and whether the fathers and mothers of such as be vnder ten peres, do bring vp their children in the knowledge of shooting: And whether every child of seven yeares and upward, haue a bow and two shafts: if they haue not, their goods shall forfeit certayne penalties, prescribed therefore such offenders.

Buttes.

50 Also you shall inquire if the Buttes be made and continued, and if your Butts be made and continued, ye shall forfeit for every three Monethes for default thereof xx. s.

Tanners, Curriers, and tanned leather.

51 Also you shall inquire if any Tanner haue offered to be sold any hyde of Bull, Ox, Steere, or Cow gashed or cut, he shall forfeit for every one xii. pence.

Curriers.

52 Also no Currier ought to currie any leather in a Shoemakers house, and none ought to currie any Leather euill tanned.



3 Also you shall inquire if there be any Crowneys, and  
 Crowneys, if there be not, the Lord shall haue Crow nests.  
 the moitie of ten shillings, which shall be for-  
 fet by the Parish or Towne for not hauing  
 the same. Also if they destroy not the Crow  
 Nests when they begin to breed, they shall be  
 amerced.

4 Also you shall inquire if any person by For the taking  
 any meanes haue taken and killed any young and killing of  
 Cod, spawne, or frye of Salmon, Teles, fish.  
 Pikes, or any other Fish, in any streame, ry-  
 ver, brooke, floodgate, or in the taile of any  
 mill, and present the offenders. And further,  
 when any person hath taken in any of the pla-  
 ces aforesaid, any Salmon or Crowtes out  
 season, or any Pikes or Pikerels, not being  
 length ten ynches, or any Barbel not being  
 length twelue ynches, or any Salmon not  
 teene ynches, or Crowtes not eight ynches  
 long: If any haue done so, they shall forfeit  
 certaine penalties.

5 Also you shall inquire if any breake by Breaking the  
 day or night, the head or damme of any Pond, head of any  
 dole, or Moate, within which the Lord hath pond.  
 fish, to the intent to scatter, steale, and destroy  
 the fish, he shall pay to the Lord treble dama-  
 ges, and shall be imprisoned thre Monethes,  
 and after find suerties for seven yeares of his  
 good abearing.

## Court Leete,

Hunting of  
Deere.

56 Also you shall inquire if any doe buy  
Deere out of the Lords ground, or kill any  
of his Deere, and present them.

Vnlawfull  
games.

57 Also you shall inquire if any person doe  
keep or maintaine any Common house, Alley  
or place of Bowling, Quaices, Cailles, Ten-  
nise, Dicing, Tables, or Carding, or any  
other vnlawfull games, and present them  
they do, they shall forfeit certaine penalties.  
Also you shall inquire if any person doe haue  
the said houses and places. And further you  
shall inquire if your Constables and other offi-  
cers do make true search in such places which  
be suspected to be frequented with any vn-  
lawfull games, yea or no, if they do not, they  
shall forfeit certain penalties, you shall there-  
fore present such offenders. 33. H. 8. cap. 9.

Horses.

58 No stoned Horse being of the age of three  
yeares, except he be fourteene handfuls high  
shall be put to pasture in any Common, For-  
rest, or Chase, vpon paine of forfeiting the  
same Horse. Also the said grounds ought to be  
yearely driuen at Michaelmas by the Lord,  
Tythingmen, Constables, &c. or within fif-  
teene dayes after, vpon paine of xl. shillings  
and if vpon the same driuing there be found  
any Mare, Fole, or Gelding, not likely to be  
able to beare Foles, or to do profitable service,  
the same shall be slain & buried. 32. H. 8. c. 13.

59 Also

59 Also you shall enquire if the inhabitants after robberies and felonies committed, doe make fresh suit from towne to towne, or from countie to countie, or from hundred to hundred, according to the statute of Winchester 13. E. 1. cap. 2. For if a man be robbed in the day time, and the theefe escape, and is not taken within fortie dayes after the robbery, for lacke of hue and cry, the bozough or hundred shall answere to the partie all his goodes and damages. Also if any person bee killed in a towne in the day time, and the murderer or manslayer escape, not taken or arrested by those of the Towne, then the Towneship shall be amerced. 18. E. 2.

60 Also you shall enquire if your Constables & Churchwardens haue appointed anie suruetour for the mending of high waies, leading to market townes, or no, and if any chosen refuse the same office, hee shall pay xx. s. Also you shall enquire whether the same surueyours haue taken vpon them the said office, and put the same in execution: and whether the Parishioners haue done their duties, and present all those that haue offended contrarie to the same Statute, for the offenders shall forfeit certaine penalties.

For the mending of high wayes.

61 Also you shall enquire if the ditches bee scoured, and bushes cut, according to the statute,



## Court Leete,

Scouring of  
ditches & cut-  
ting of hedges

tute made in the first yeere of Q. Elizabeth, for not doing of the same, they shall forfeite ten shillings.

Nota.

62 The moytie of all the forfeitures for these Statutes, the Church wardens shall haue to bestow vpon the high wayes.

For watering  
hempe or  
flaxe.

63 Also you shall enquire if any person haue watered any Hempe or Flaxe in any Riuer, running water, streame or brooke, or other common pond where beasts doe vse to drinke, they shall forfeit for euery time so doing x. s. the one part to the party griued, or any other which will sue for the same, and the Statute 33. H. 8. cap. 17. doth giue a remedie to sue for the same in Leete by action of debt, bill, plaint, or information or otherwise.

Musters.

64 Also you shall enquire whether any refuse to come to musters befoze any person authorized to take the same, he shall be imprisoned for tenne dayes except he pay to the king xl. s. and if any person appointed to take musters receiue any mony to release any appointed to serue, he shall forfeit ten times so much as that he receiued, 4. & 5. P. & M. cap. 3.

Ryots.

65 If any persons to the number of twelue make an unlawfull assembly, for to breake any Bankes, Enclosures, Parkes, Fishponds, Barnes, Houses, and such like, and proclamation bee made by the Shirisfe or Justice of Peace

peace that they depart, and notwithstanding they remaine together an houre after proclamation made, euery such attempt is Felonie. Also euery Coppholder being a yeoman, husbandman or labourer, of the age of eightene yeeres, and vnder threescore, not sicke, nor having a reasonable excuse, and being required by the Justice, Shirife, &c. to apprehend those persons aforesaid, and refuse, shall forfeite his estate during his life, and his Lord may enter. Also the Farmer being a yeoman, &c. refusing, is in the same case to his Landlord. Also it is Felonie if any person without compulsion, bring, send, or deliuer any money, harness, artillerie, weapons, or victuals, to any person assembled in such maner. Also the Justice of peace or other Officer may raise a power to suppress them: and if any Officer kill any such rebellious persons, or maim them, they shall bee free, and if any person know of any such pretended rebellion, and do not openly declare the same within twentie houres next after such knowledge, he shall be imprisoned for three monthes without baile or mainprise if hee be not discharged by a Justice of peace: also hee that letteth or hindereth that proclamation that the same be not made, committeth Felonie.

22 Anno quinto Eliz. cap. 1. If any extoll

## Court Leete.

Of the King  
and assurance  
of his power.

Tracing of  
Hares.

Licences for  
wine.

or set forth the authoritie of the Bishop of Rome against the forme of this Statute, he shall incurre the daunger of a p[re]munire, and this Statute is to be declared in Leer.

68 None may trace, destroy or kill a Leu[er]et in the snow with a dog, or otherwise, and he that doeth it shall forfeit six shillings eight pence. 14. H. 8. cap. 11.

69 Also you shall enquire if those persons which doe sell Wines be thereunto licenced according vnto the Statute made in the 6. yeere of E. 6. &c. vpon a grieuous paine and forfeiture, and for euery day occupying or selling of wine without licences. Also you shall enquire how many there are licenced, and present them. Of this and all other matters and defaults you shall diligently enquire & make a true presentment.

Then after the charge is giuen, the Steward shall command the Cryer to make Proclamation, and after Proclamation made three times the Steward shall say.

If any can enforme the Steward of the Enquest of any petite Treason, Felony, petite Larcenie, purpresture, breaking of Poundes, or of rescous, or of any other thing done against the peace, or of any person of euill behauiour



of our within the Leet, or of any Artificer that  
doth make deceit, or of any other misdoer,  
nor of any Officer, or other person here, or of  
any Waife or Stray, Treasure found, or of  
any other thing here to be enquired of, come  
in and you shall be heard.

Then if any come in hee shall be sworne to  
giue euidence to the Iurie, and after that  
the Steward shall say to the enquest.

**G**o you together and enquire of the mat-  
ters of your charge, and when you bee  
agreed I shall be ready to take your verdict.

An addition of diuers other matters inquir-  
able in Leets, not mentioned in the for-  
mer edition.

1. **I**t is lawfull to all Stewards and Bai- Crosbowes &  
Handgunnes.  
lives in their severall Leetes and Law-  
dayes, to enquire, heare, and determine euerie  
offence committed contrarie to the tenour of  
the Statute made 33. H. 8. concerning Cros-  
bowes and Handgunnes, so that alwayes no  
lesse fine then x. li. be assessed vpon euery such  
presentment and conuiction, the one moitie of  
euery such fine to bee leuyed to the vse of the  
King, and the halfe of the other moitie to

## Court Leete,

the owner of the Leete or Lawday, by distress, or action of debt, and the other halfe of the said moitie to be to the party that will pursue for the same in any of the Queenes courts by action, information, &c. wherein no matter of law, essoine, protection, &c.

2 And if any Iurie sworn and charged to enquire for the Queene, of any offences committed contrarie to the said Statute, doe willfully conceale any of the said offences: then the Stewards or Bailifes before whom any concealment shall be had, haue authoritie to charge and sweare an other Iurie of twelve or more, to enquire of such concealments. And if such concealment bee founde and presented by the said Iurie, then euery of the first Iurie shall forfeite for euery such concealment of euery offence twentie shillings, the one moytie to be leuyed to the owner of the Leete or Lawday by distress, or action of debt, and the other to the Informer to be recovered by action, information, &c. wherein no wager of Law, Essoine, Protection, &c.

3 But if the presentment or suit for any of the said forfeiture bee not commenced within one halfe yeere next after the offence committed, then the offender shall be thereof cleerly discharged. 33. H. 8. 16.

4 Lordes in Leetes and their Stewardes within the precinct of their Leetes haue authoritie to enquire and take presentment by the oath of Iuroys, of all and euery offence and offences committed contrarie to the Statute 31. Eliz. touching the erecting & main-  
 taining of cottages & inmates, and vpon presentment made to leuie by distresse to the vse of the Lord of the Leete all such summes of money as shall be forfeited by the Statute of 31. Eliz. cap. 7. New cottages  
Inmates

5 The Steward in euery Leete shall haue full power & authoritie to enquire heare and determine as well by presentment of twelue men as by accusation or information of two honest witnesses of for and vpon all and euerie the offences and forfeitures committed (contrarie to the Statute provided, 2. E. 6. for the true making of Malt) as well for the Queene as for the partie that shall sue, procure, or cause the same to be presented. 2. E. 6. 16. 35. Eliz. 7. Malt.

6 Stewardes of Leetes, Liberties and Lawdayes within their senerall iurisdiccions shall and may heare enquire and determine of all and euerie offence or offences which shall bee committed within the precincts of thes Liberties, Iurisdiccions,



## Court Leete,

of franchises against the tenor of the act made  
An. 22. E. 6. for the preservation of Fesants  
and Partridges, 23. Eliz. 10.

Horsebread.

7 Stewards in their Leets and Lawdayes  
haue authoritie to enquire & determine every  
default and offence of Hostlers or Inholders  
making horsebread not sufficient, lawfull, and  
of due assise according to the price of Corn  
committed within the limits of their iurisdic-  
tion contrarie to the Statute in that case  
provided. 32. H. 8. 41.

Fish.

8 The Lord of every Leete hath authori-  
tie to enquire of all the offences committed  
contrarie to the purport and forme of the sta-  
tute provided (1. Eliz. for the preservation of  
Spawne and frise of fish) within the precinct  
of the said Leete such inquirie to bee had in  
manner and sort as common amerciamentes  
or other thinges enquirable in Leetes haue  
beene lawfully vsed to bee made, and vpon e-  
uerie such presentment had in any Leet court  
by the oth of twelue men of any offence made  
contrarie to the said Statute all forfeitures  
appointed for such offence shall bee vnto the  
Lord of the said Leet, and shall bee leuyed as  
americiamentes for trayes committed within  
the precinct of such Leete haue beene vsed to  
be leuyed. And if the Steward of a Leete or  
some other for him doe not charge the Juris-  
sworne

sworne in euerie Leete to enquire of all offences done within the precinct of the same Leet concerning the killing of Spawne or frye of fish, kepper or shedder, Salmons or Trowts, Pickerell, Salmon, Crowt, or Barbel, being not of lawfull length. And concerning the mase of nets and other engines he shall forfeit for euery offence xl. s. to the King and him that will sue for the same.


9 And if any Iury sworne in a Leet hauing charge to enquire of the premisses, doe willingly conceale & make default in presentment of the offence & offenders, then the Steward or Bailife or their deputie, may impanell another Iury within the same Leet to enquire of such concealment, which being found euery of the Iuroys so concealing shall forfeite xx. s. to the Lord of the Leete for euery offence.

10 Sauing alwayes to all and euerie person and persons, bodiees politike & corporate, and euery of them all such right, title, interest, claime, priuiledge and conseruation and enquire and punishment of and for any the offences aforesaid, as they or any of them lawfully haue and enioy, or of right ought to haue and enioy by any maner of meanes any thing &c. notwithstanding. 1. Eliz. 17. 35. Eliz. 7.

Finis de le charge de

Court Leete.

# THE ORDER OF keeping Court Baron. The stile of the Court.

*Quer- Roy*  *Vria Baronis M. L. ibi-  
dem tenta die Martis,  
videlicet decimo quarto  
die Iunii, Anno regni Ia-  
cobi Dei gratia Anglia, Francia, & Hibernia  
Regis fidei defensoris, &c. Primo, & Scotia tri-  
cessimo sexto, tent' per Senescallum.*

After the stile of the Court entred, you shall  
cause the Bayliffe to cry once Dyes, and then  
call the Iuroys.

|               |   |                         |  |                      |
|---------------|---|-------------------------|--|----------------------|
| <i>Examp.</i> | {<br>Iohn Doe,<br>Richard Roe,<br>Iohn Den,<br>Richard Fen,<br>Walter Helle,<br>Robert Allen<br>} | <i>Iura-<br/>t:res.</i> | {<br>Rob Dodge,<br>Tho. Lodge,<br>Adam Clark,<br>Dauid Parke,<br>Henry Loc,<br>Willia Croe.<br>} | <i>Ho-<br/>mage.</i> |
|---------------|---|-------------------------|--|----------------------|

After the Iurie is called, the Bailiffe shall  
cry an other Dyes, and then the Steward  
shall say:

If any will be essopned oz enter any plaint,  
come in and you shal be heard.

The essoiners bee set befoze the homage in  
D. Kitchins booke & better then here, for first  
should



should the Sutors be cald, and their appaunce, defaults, or essoines, be recorded, before it can be known who doe appeare to make the homage.

And after the Esoines be entred, and your plaines and pleses thereto made, then empannell the Iurie and sweare them.

After the enquest is empanelled and sworne, make an other Oyes, and say, you good men which be of the Iury, come neare, and you and all other keepe silence during your charge.

### An Exhortation to the Iurie.

**M**<sup>r</sup> Masters you that be sworn, before I giue you charge in this Court Baron, I thinke it good to declare vnto you by what authoritie you are commanded to be here, and for what cause. Chiefly you are appointed to be here for that you be the Lords tenants, and are bound by reason thereof to appeare at the Lords Court Baron when it shall be kept according vnto the law, that is to say, at euery three weekes end being warned, and being by the same authoritie there, to end & determine Injuries, Trespases, Debts, and other actions, where the debt or damage is vnder forty shillings. And also that nothing be done within the Manour, hurtfull to the inheritance of the

## Court Leete,

the Lord of the Manor, which ought to be enquired and presented for the Lord: and that you be the more diligent and carefull in enquiring and presenting the same, I haue misstrid an oath vnto you, which is the calling or taking to witnesse of God his name, to confirme the truth of that you shal say, & present, minding neyther fraude nor deceit, but only the truth, not partiall, but seeking the glorie of God, and the profit of your neighbours, and the Common weale of God his people.

### The Charge.

1. **F**irst you shall enquire of the suitors which owe any suit to this Court whether they be here or no, & present their names that make default, for they which bee absent ought to be present here as well as you, except they haue some lawfull impediment to the contrary, for they hold their lands as well to doe their suit as to pay their rent, so that if they do not their suit they shalbe amerced, or the Lord may haue good remedie for the same: otherwise you shall vnderstand, that every common suitor is bound by the lawes to appeare at the Lordes Court Baron at every three weekes end: notwithstanding, the Lord for your ease (which he esteemeth more then his owne profit)

The tenants  
are bound to  
appeare at e-  
uery three  
weekes end at  
the Lordes  
Court Baron.

## and Court Baron.

hee) suffereth the same to be kept but seisonable,  
as appeareth, for which cause everie of the te-  
nants ought the more willingly to come unto  
his Court at such times as hee doth appoint  
for the same: for if they wilfully absent them-  
selues, then they render euill for good, and be-  
sides that, they incurre the danger of periu-  
rie, for when they did their fealtie, they were  
sworne to bee true tenants unto their Lord,  
and to pay and doe all manner of suites, cu-  
stomes and seruices due for their tenements,  
at their day assigned, and therefore let everie  
man remember his oath and dutie, and doe his  
suites and seruices according to the same, or els  
he shall fall into the danger aforesaid.

2 Next you shall enquire whether there bee  
anie tenant dead sithence the last Court day or  
before, whose death as yet is not presented, &  
you shall present the same: also what landes  
and tenements he held of this Lordship at the  
time of his death, and by what seruices, that  
is to say, whether it were by knights seruice,  
Socage Tenure, or Copyhold, and what ad-  
uantage the Lord shall haue by his death, as  
Ward, Mariage, Reliefe, Escheat, Fine, Her-  
riot, &c. and who is his next heire, and what  
age he is of, and in whose keeping, and present  
&c. You shall vnderstand there bee diuers ma-  
ner of Tenures, but most men doe holde by  
Knights

What tenants  
are dead since  
the last Court.

What land he  
holderth and  
by what ser-  
uice.

Also who is  
next heire.



## Court Leete,

**Knightes seruice, or Socage Tenure,**

**Knightes seruice what it is**

3 Knightes seruice is when the tenant holdeth of the Lord by Escuage, that is to say, by the seruice of the shield, also to hold by Castle garde, that is to say, to keepe a Castle, or Tower, or doore, or other place of his Lord upon reasonable warning, whē the Lord heareth that enimies do come into England, this is Knightes seruice.

**Homage, fealty, & Escuage, Knightes seruice.**

4 Also he that holdeth by homage, fealty, and escuage, holdeth by knightes seruice.

hee which holdeth of his Lord to blow a horn to warne the men of that countrey when enimies doe come into England, holdeth by Knightes seruice, and Knightes seruice ought alwayes to be done by the bodie of a man, and that seruice draweth vnto it, ward, mariage, and reliefe: for when such a tenant dyeth seised, & his heire male within age & unmarried, the Lord shal haue the land holden of him, and also the mariage of him untill hee be of full age, that is to say, the age of xxi. yeeres. But if such a Tenant dyed seised, his heire female being of the age of fourteene yeeres or more, then the Lord shall neyther haue the lordship of the land, nor yet of her bodie, for the law entendeth, that a woman of that age may haue a husband able to doe knightes seruice: and if she be within the age of 14. yeeres

**Knightes seruice is done by the bodie of a man.**

**Knightes seruice draweth vnto it ward, mariage, and reliefe**

and unmarried, then the Lord shall have the wardship of her land, and also of her body until she be of the age of sixteen peeres. And some such tenants doe hold by a Knights fee, and some by halfe a fee, and some by more, and some by lesse: and if such a tenant dieth which holdeth by one Knights fee, and his heire be of full age, then the Lord shall have homage and fealtie, and also five pound for a release, & of him which holdeth by half a knights fee, ii. li. x. s. and he that holdeth by more shall pay more, and he that holdeth by lesse, shall pay lesse: you shall therefore present whether any such tenant dyed seised of any such landes and tenements so holden, yea or no.

5. Also you shall enquire whether any tenant which held by Knights service, made any feoffment to his heire, and after dyed, his heire being within age, yea or no, for notwithstanding such feoffment the heire is to be ward.

6. And whether any such tenant made any alienation of any such land so holden to any person by collusion, to defeat the Lord of his ward, or other profits, yea or no, and present that: for in all these cases the Lord shall have the ward and marriage of his heire, and also of his lands, as well as if the said tenant had dyed seised of the same land.

7. Also you shall enquire whether any such Tenant

Alienation by  
collusion, and  
holding by  
Knights ser-  
vice.

## Court Leete,

Feoffment a  
son vie, the  
land holden  
in Knights  
service.

Tenant which held by Knights service, may not make any will of his lands or conveyance of them to his wife or children, or to friends, nor pay his debts, which notwithstanding any such will or conveyance the Lord shall have the wardship of his heir, and custody of the children of the part of his lands, 34. & 32. H. 8.

Entree for con-  
dition broken.

8 Also you shall enquire whether the heir of such tenant, entered into any such land holden, for any condition broken, being made by any of his ancestors, and present it.

Entree into Re-  
ligion.

9 Also whether such entree in religion beyond sea now be not treason, and so the party to forfeit the land to the king.

Disseisin of the  
tenant, and  
death before  
any reentry.

10 Also you shall enquire if any Tenant which held by knights service, was disseised of landes so holden, that is to say, put out of them by one which had no rightfull title to the same, and after dyed before any reentry or any lawfull recoverie had, and present it for the Lord shall have the wardship of the body of the heir and of his land, as well as if his tenant had dyed thereof seised.

What Socage  
tenure is.

11 Socage tenure is, as if the tenant be bound to the Lord by fealty and certain rent for all manner of services, or by homage and fealty for all manner of services, or by fealty only for all manner of services, or to pay a summe of money for escuage, or to pay a certain



## and Court Baron.

certaine summe of money for Castle garde : and  
such Tenures are Tenures in Socage : and  
all other Tenures which are not Tenures by  
Knights service, are Tenures in Socage:  
and where such Tenaunts dye seised of any  
lands so holden, the Lord of whom the land is  
so holden, after the death of his Tenaunt, can  
have no more profit but onely his fealty and  
reliefe, that is to say, as much money and ser-  
vice as one yeares rent both amount unto. As  
if the Tenant held by fealty, and tenne shil-  
lings for a reliefe, over and besides the tenne  
shillings which hee shall pay for his rent, and  
in such case after the death of the tenant, such  
reliefe is due to the Lord maintainant or im-  
mediatly upon his ancestors death, so that the  
heire be of the full age of fourteene yeres, and  
he ought to carrie for his reliefe until the day  
of payment of the rent, but hee ought to have  
his reliefe maintainant, and for that hee may  
distraine immediately after the death of his  
tenant.

Reliefe is as  
much money  
as one yeres  
rent.

13 Also if a Coppholder dye sole seised of A Copiholder  
any landes or tenements so holden, his heire dyeth.  
being of the age of xiiii. yeres, then hee shall  
pay a fine unto the Lord & doe fealty, & be ad-  
mitted tenant; but if the heire be within the  
age of xiiii. yeres, then some Garder shall be  
admitted to occupie his Copphold, and to pay  
and

## Court Lectre,

and to doe his seruice due for the same, that is to say, if lands descend from the father, then the mother or some of her next kin shall haue the occupation of the same landes, vntill the heire be of the age of fourteene peeres, and they shall a little fine for the Wardenship, and the heire at his entrie shall pay the whole fine, you shall enquire thereof and present the same.

13 Also you shall enquire whether any tenant which held by Socage Tenure, did make any Feoffment in fee to his vse, and dyed seised of the vse, his heire being within age, and no Will by him declared of the vse, and present it: for the Lord shall haue his reuerse, as well as if hee had dyed seised of the same landes.

Whether anie  
Freeholder  
hath aliened  
any of his free  
hold lands.

14 Also you shall enquire whether any freeholder hath aliened, or sold away his freehold landes or tenements, or any parcell of them, and present it: for he which hath bought the land before he enter, ought to come and giue notice vnto the Lord that he hath bought the same, and so the Lord shall know his tenant, and in case where but part is sold, the seruice which the former paid vnto the Lord, shall be appoyoned according vnto the value of the landes sold and retayned.

15 Also you shall enquire whether any which held

## and Court Baron.

held by Herriot service, or Herriot custome, Herriot service  
held seised of any Landes or Tenements so Herriot cu-  
holden, and present it, for the Lord shall haue stome.  
of euery of their seuerall partes diuers Herri-  
ots at their seuerall deatches: also if one man  
haue two seuerall parcels of landes holden by  
Herriot service, and by two seuerall titles,  
and dyeth seised of the same, the Lord shall  
haue after his death two Herriots.

16 Also you shall enquire if any Copyholder  
died seised of any lands so holden, and pre- Whether any  
sent it: also whether any Copyholder hath Copyholder  
made any lease of his Copyhold, or otherwise dyeth seised of  
aliened or sold the same, and present it, for it any such lands  
is a forfeiture of his Copyhold: for if a Copy-  
holder will alien or sel away his Copyhold, he  
ought to come into the Court and surrender  
the same into the hands of the Lord, to the vse  
of him which shall haue the state, or els out of  
the Court hee ought to surrender it vnto the  
Bayliffe, or to some of the Tenantes of the  
Lordship, to the vse of him which shall haue  
the state, and they to whom the surrender is  
made, ought to present the same at the next  
Court, and then pay his fine for the same, and  
take it to his vse in the Court, and do his en-  
deuour to be admitted, and if he be not at the  
same Courte, then the Lord shall haue the  
meane profits of the same landes, all the rent

How a Copy-  
holder ought  
to surrender  
his Copyhold.



seruices and reparations being deducted, he  
will be satisfied for his fine, according to  
duetie.

Whether any  
Copyholder  
hath made a-  
ny surrender.

17 Also you shall enquire if any Copyholder hath made any surrender of his Copyhold, or any part thereof since the last court day, or before, & present it, and into whose hands it was made, and in whose presence, or to whose use: for at every surrender the Lord ought to have a fine, and the partie into whose hands the surrender is made, ought to come to the next Court, and present the same, and to swear by and certify the surrender into the Lord's hands, to the use of the alienee, according to the trust reposed in him, or otherwise he forfeiteth his Copyhold, except he haue a reasonable excuse: for that hee doth as much as he may to defeat the Lord of his fine, and also to defeat the other partie to whose use the surrender was made. Not. The partie that receiued the surrender had no right by it.

Mortmaine.

18 Also you shall enquire if any Tenant of the Lordship haue giuen any landes into mortmaine, and present it.

19 Mortmaine is if a man giue or sell any lands to any house of religion, or to any other which be corporate by the Kings graunt: also if one make a Feoffment vpon trust to the use of an House of Religion, or to the use of

of a Guild or fraternitie Corporate, that is  
 Portmaine.

20 Also if one exchange lands or tenements  
 with an Abbot, or other bodie corporate, this  
 is Portmaine.

21 Also if a man of religion, or other bodie  
 corporate, doth hold of any man by Knights  
 service, and he release vnto him, this is Port-  
 maine, and then the king our Lord may enter,  
 and shall haue the same by force of the Sta-  
 tute in that behalfe made, viz. the next Lord  
 if he enter within a yeere after the alienation  
 in the Lordes default, the king: you shall  
 therefore present them that haue given anie  
 lands or tenements in Portmaine, and when  
 the same was done.

A Statute  
 made thereof  
 that the King  
 or Lord shall  
 haue the same.

22 Also you shall enquire whether anie te-  
 nant for terme of life or yeeres, or any copie-  
 holder of this Lordship hath made any waste, Waste  
 or suffered any waste to bee done vpon their  
 lands and tenements, yea or no.

23 Waste is when any tenant for terme  
 of life, yeeres, or anie Coppholder pulleth  
 downe any house, or cutteth downe any Tim-  
 ber trees, or suffereth the house willingly to  
 fall, being on their Copie tenements, or if  
 anie of the tenants plough vp anie mea-  
 dow ground, or if they suffer any wall or pale  
 which were couered, to be vncouered, by rea-  
 son whereof the same wall or pale doth fall

What waste is  
 and how the  
 same is done.

## Court Leete,

in decay, or if any of them digge coals, thall  
or sand, or make any Mines in their ground  
then they make waste. Also if they sell a tree  
to the value of three shillings foure pence  
is admitted waste: but if a man cut down  
timber to repaire the olde houses which stand  
vpon parcell of the same ground, and then  
with doth repaire them, then it is no waste  
but if he with the timber build a new house  
then the cutting downe of such timber is  
waste: Or if he cut downe any timber to sell  
to repaire such houses which are fallen in de-  
cay, such is waste. But if waste be done with  
a tempest, no Tenant shall bee punished for  
such waste: but if waste bee done by any dan-  
ger, the Tenant shalbe punished for such waste.  
Also it is no wast to sell in a reasonable time  
such trees as haue bin felled within xx. yeeres  
befoze: but if a Tenant cut downe such trees  
to burne vpon their Tenements, where they  
haue wood sufficient, this is waste. Also  
Copyholder may not cut downe wood to sell  
but he may to burne, vpon his Tenement, or  
to make reparations as aforesaid.

24 Also you shall enquire whether any Co-  
nant in possession or reuerſion dyed seised  
any Lande or Tenements holden of this  
Lordship, hauing no heire at the time of his  
death, yea or no, and present it, for then the

Whether any  
tenant in pos-  
session or re-  
uerſion dyed  
seised without  
any heire.

And thus shall you have the Court Leete.



Lord shall haue the land holden of him by Escheat. You shall vnderstand that none shall haue landes in fee simple as heire vnto any man, vnlesse he be heire of the whole blood: for if a man haue issue two sonnes by diuers women, and dyeth seised of the same land, and the eldest entrech and dieth without issue, the youngest shall not haue the lande as heire vnto his brother because hee is of the halfe blood, but some other heire of the fathers side shall inherite the same land, and if he haue no heire on the fathers side, then the next heire on the mothers side shall not haue the land, but the Lord of whom the land is holden shall haue the land by Escheat, and so when land descendeth on the mothers side, the heire on the mothers side shall inherite, and not the heires of the fathers side. And you shall vnderstand that a Bastard can neuer bee heire vnto any man, nor yet haue heire vnto himselfe but his children: therefore if any Bastard die without issue, or any other tenant haue dyed seised without heires, you shall present it.

A bastard may  
not inherite.

25 Also you shall enquire if any Tenant was seised of any Lands or Tenements, and was put out of his land by one which had no rightfull title, and afterward died without any heire, the Lord shall haue his Escheate as well as if his Tenant had dyed seised.

Whether any  
tenant dyed  
being put out  
of his lands  
by one which  
had no right.

Petty treason,  
felony or mur-  
der commit-  
ted of any ten-  
ant, for which  
he was han-  
ged, or had  
iudgement  
to be hanged.

26 Also you shall enquire whether any ten-  
nant of this Lordship hath committed any  
petty Treason, Felonies, or Murders, for the  
which he was hanged, or for the which he had  
iudgement to be hanged, though afterwards  
he dyed by the act of God, or prayed his clergy  
and was allowed it, and deliuered to the Or-  
dinary before the statute made in the 18. year  
of her Maiesties reign, or els since that statute  
was burned in the hand and deliuered out of  
prison according to that Statute, for by that  
iudgement hee was attainted, and the Lord  
entreteth to the escheate of his lands, and there-  
fore if any such be present it. And whether any  
tenant hath committed any petty Treason,  
Felonie, or Murder, for the which he hath ob-  
tained the land, or for the which hee was out-  
lawed, or for the which he was beheaded, or  
for the which hee was overcome by wager of  
battaile vpon any appeale, or in the cumber  
put to death, and present it: for in all these ca-  
ses the Lord of whom the landes are holden,  
shall haue the lands by Escheate, and also the  
euidences concerning the same.

Whether  
there be any  
rents lost, or  
seruices with-  
drawne.

27 Also you shall enquire if there be any rents,  
Customes or seruices withdrawn from the  
Lordship, which of right ought to be done, &  
present it, and what rents, customes & ser-  
uices they are, & by whom they are withdrawn.

and where the land lyeth out of which they  
be due, and who holdeth the same, that the  
Lord may haue his remedy for the arrearages  
thereof.

28 Also you shal enquire whether the Copi-  
holder or the Farmers of this Lordship doe  
uphold and repaire their Tenements, yea or  
no, and present the same. You shall under-  
stand that euery Tenaunt is bound to three  
things: first, that he be true Tenaunt to his  
Lord: secondly, that he sufficiently repayre  
his Tenements: and thirdly, that he pay and  
doe all suites, customes, and seruices at his  
dayes assigned: for he tooke vpon him so to do  
when he did his fealcie: and if he doe not pay  
his suites, customes & seruices, the Lord shall  
haue good remedy and recouer the same with  
his damages: and if he be a Copiholder, & doe  
the contrary, he doth forfeit his Copihold.

Whether the  
tenants doe  
uphold and re-  
paire their  
tenements.

29 Also you shal enquire if any Tenant of  
this Lordship which is bound by reason of  
his Tenure to do suit vnto the Lords mill, do  
the same yea or no, and present it: and whe-  
ther any haue vled to withdraue their suite  
from the Lord his Mill, in not grinding their  
corne there, yea or no, and present it.

Whether any  
tenant haue  
withdrawne  
his seruices.

30 Also you shal enquire whether any waife  
or Stray, is, or was within this Lordship, and  
whether the Lord bee answered of the same,

Waife and  
Stray:



What a  
Waife is.

... : if not, present by whom they  
conueyed away : also you shall enquire if an  
Herriot bee conueyed away, yea or no, and  
present it, and by whom.

31. A Waife is, if a theefe vpon hue and cry  
and pursuite after him, or otherwise to catch  
himselfe of his cariage, without hue and cry  
doth waife his goods, that is to say, doth leave  
and forsake his goods which he hath stolne, or  
any parcell of them, by reason whereof the  
king or any other lord or officer in his right,  
or in his owne right doe seaze the goods : in  
those cases y goods so seised are called waifes,  
and the same lawe is, if any officer take any  
goods of a thief, suspecting that he hath stolne  
them, though there be no pursuit made, and in  
these cases, the king or els the Lord by reason  
of a graunt made by the king or by prescripti-  
on, shall haue the goods so waifed, if the ow-  
ner of them doe not make fresh suite after the  
Theefe to attaint him for stealing of the same  
goods: which fresh suite if hee make, hee shall  
haue his goods againe, though they be waifed,  
but then he must sue an appeale, or els procure  
the partie to be endited and conuicted by evi-  
dence at his pursuite, according to the Sta-  
tute made, 21. H. 8. c. 11. and so haue them.

What an E-  
stray is.

32 An estray is, when any Horse, Mare,  
Dre, Sheepe, or other Beastes are in the  
Lord.

Lordship, and no man knoweth the owner of them, they shall be sealed unto the use of the king, or to the Lord which hath such an estray by the king his graunt, or by prescription; and if the owner come and make claime within a yeere and a day, then he shall haue it againe, or els after the yeere and the day the propertie thereof shal be to the King, or els to the Lord which hath the same by graunt or prescription, so that the Lord make proclamation thereof, according to the law, in the next markets, and in the Church.

33 Also you shall enquire whether any person haue made rescous against the Lord, or any other officer, and present it. Rescous.

34 Rescous is when the Lord distreyneth in the land holden of him for his rent, or seruices behind, or if the Lord come vpon the lands and would distreine, and the Tenant or some other will not suffer him, that is rescous. Also if the Lord distreine for seruice behinde, or for damage fesaunt, and in delyuing cattell to the pound, the beastes enter into the house of the owner, if in such case he that distreyneth doth pray deliuerance, and the possessor will not deliuer them, that is a Rescous, therefore you shall present it, if Rescous haue bin made.

35 Also you shal enquire whether any person hath broken the Lordes pound, that is to pound. Breach of  
haue

the Lord for distresse any Tenant for Rent  
 or service behind, he may impound the same  
 distresse in a Common pound if he will, or in  
 his owne ground, or in his neighbours if he  
 will, by the licence of his neighbour, and in  
 those places in which the Lord doth impound  
 any Cattel, are called the Lordes pound, but  
 alwayes when another doth impound any dis-  
 tresse in his owne pound, or in his neigh-  
 bours, it behoueth him to giue notice to the  
 other partie, for that if the distresse be quicke  
 hee may giue it meate, and then if the Beast  
 die for want of food, hee that was distressed  
 shall be at the losse, and then he that distressed  
 before, may distresse againe for the same rent  
 or dutie.

Whether anie  
 Tenant hath  
 let any farme  
 fall to decay,  
 viz. not main-  
 tained for hus-  
 bandrie as be-  
 fore.

36 Also you shall enquire if any tenant of  
 this Lordship, hath let any farme or house  
 fall into decay, which at any time sitence the  
 first yeere of the raigne of King H. 7. hath bin  
 let with twentie acres of land being in tilling  
 yea or no, and present it: for if they suffer  
 their houses to fall into decay, the Lord may  
 take and distraine for halfe of the illues and  
 profits of the same, and keep them to his owne  
 vse, untill such times as the houses shalbe suf-  
 ficiently builded and repaired, that is to say,

maine.



... the said ...  
yes or no, and whether all the orders & laws  
heretofore made be observed and kept, yes or  
no, and present it. And further, you shall en-  
quire for all things which in your consciences  
you thinke ought to be searched and enquired  
of, and by the oathes that you haue taken you  
shall truly and diligently enquire of all the  
premisses, and plainly without concealing  
of any fault, bring in a true verdict in wri-  
ting, subscribed with your own hands, sealed  
with your seales, by such a houre, or as soone  
as you can.

It is needles but in case of felonie for to de-  
liver their verdict sealed, and then it must  
be indented, but it is conuenient to haue  
it in writing, written or subscribed by the,  
or one of them, but not necessary: But to  
auoid the blame, ignomy or slander, the  
Steward might incurre, if they did after  
denie their doings.

57 And finally if you shall know any thing  
that ought to be presented to the Lordes ad-  
uantage, you shall doe so to meet by the oath  
that you haue made, and bring us in a true  
presentment. And now you may depart and  
enquire of your charge, hauing a regard of  
your othes.

Finis de le charge de  
Court Baron.